

Notice of Allowability

Application No.

10/730,707

Applicant(s)

UMEBAYASHI ET AL.

Examiner

Daniel McNally

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1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 9/14/2007.
2. ☒ The allowed claim(s) is/are 1 and 3-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 and 3-17 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Independent Claims 1 and 10 have been amended to require a lateral flow process for placing elastics for side panels on an article. The prior art does not show a lateral flow process where elastics for side panels are placed on a web at an interval between the elastics. Hasse et al. [US5496429] discloses a method of forming an article with elastics for side panels comprising the steps of providing elastic, supplying first and second webs, placing elastics on the first web, bonding the second web to sandwich the elastics between the webs, and placing an absorbent between adjacent elastics. Hasse discloses a longitudinal flow process rather than a lateral flow process. Hasse also discloses the elastics can be applied in a stretched state but does not disclose cutting the elastics in a stretched state and changing the interval between the cut elastics. The following prior art shows forming side panels with elastic members VanGompel et al. [US6336922], Calvert [US2003/0112999], Mlinar et al. [US2003/0051805], and Umebayashi [US6554815]. VanGompel does not disclose a lateral flow process or a changing step. Calvert, Mlinar and Umebayashi all teach a lateral flow process but also teach continuously applying the elastic and deactivating sections of the elastic, rather than cutting elastic pieces and changing the interval between the elastic pieces. It is not obvious to modify the prior art to apply cut pieces of elastic at intervals rather than

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continuously applying elastics and cutting the elastic to deactivate portions. It is also not obvious to modify the process from a longitudinal flow to lateral flow.

Claims 3-7, 11, 14 and 16 depend from either Claim 1 or 10. These claims are allowable for the reasons discussed above.

Claims 8, 9 and 15 are allowable for the reasons stated in Office Action dated 6/14/2007.

Claims 12 and 17 are allowable for the reasons stated in Office Action dated 12/28/2006.

Claim 13 is allowable for the reasons stated in the Office Action dated 8/21/2006.

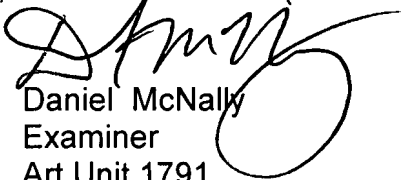
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel McNally whose telephone number is (571) 272-2685. The examiner can normally be reached on Monday - Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel McNally
Examiner
Art Unit 1791



JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300

/DPM/
October 25, 2007